

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:13-CV-32-FL  
No. 5:11-CR-86-FL-1

MARK MURPHY,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	ORDER
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

This matter is before the court on the Memorandum and Recommendation (“M&R”) of United States Magistrate Judge William A. Webb, regarding petitioner’s motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255 (DE 52), and the government’s motion to dismiss (DE 55). No objections to the M&R have been filed, and the time within which to make any objection has expired. This matter is ripe for ruling.

Upon careful review of the M&R and of the record generally, having found no clear error, the court hereby ADOPTS the recommendation of the magistrate judge as its own, and, for the reasons stated therein, petitioner’s motion is DENIED, the government’s motion is GRANTED, and this matter is DISMISSED. The clerk of court is directed to close the case. The court declines to issue a certificate of appealability as petitioner has not made a substantial showing of a denial of a constitutional right. See 28 U.S.C. § 2253(c)(2).

SO ORDERED this the 28th day of June, 2013.



LOUISE W. FLANAGAN  
United States District Judge